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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,005	03/26/2004	Jerry Shih	2003.10.023.WS0	9020

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EXAMINER	
MOUTAOUAKIL, MOUNIR	

ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/811,005	SHIH, JERRY	
	Examiner	Art Unit	
	Mounir Moutaouakil	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03/26/2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7-10, and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hussain (US 6,243,367).

Regarding claim 1. Hussain discloses a wireless network. The wireless network comprises a plurality of wireless communication devices (figure 3), and an interrogating state machine comprises a server status store operable to store server status information for each of a plurality of servers (figure 3, 301, the plurality of servers are 321-326, figure4, 405); and a server assigner operable to collect server status information from the servers (301, 405), to store the server status information in the server status store (301, 405), and to assign one of the servers to host one of the wireless communication devices (see column 6, line 66- column 7, line 14. 301 collects information regarding each one of the Base stations to assign one of the base stations to host one of the wireless communication devices).

Regarding claim 2. Hussain discloses a wireless network where the server status information stored in the server status store collectively forming a system status (see column 6, line 66- column 7, line 14 the base station server collects the status of each one of the client base stations), the server assigner operable to assign one of the

servers to host one of the wireless communication devices based on the system status (see column 6, line 66- column 7, line 14. the base station server assigns one of the base stations to host the mobile unit).

Regarding claim 3. Hussain discloses a wireless network wherein the server assigner is operable to receive a registration request from the one of the wireless communication devices and to assign one of the servers to host the wireless communication device based on receiving the registration request (see column 6, line 66- column 7, line 14. The base station server receives a notification from the mobile unit through the client base stations. Based on the notification received the base station server assign one of the base stations to host the mobile unit based on the notification received. It is inherent that the server receives a registration request from the mobile unit prior to establishing communication).

Regarding claims 7 and 9. Hussain discloses a wireless network wherein the server assigner comprises a status collector operable to collect the server status information from the servers and to store the server status information in the server status store (see column 6, line 66- column 7, line 14 the base station server receives information form the base station and the mobile unit. Depending on the information received, the base station server assigns which one of the base stations to host the mobile unit. Figure 4, 405); and a server selector operable to access the server status store based on receiving a registration request from the one of the wireless communication devices and to select one of the servers based on the server status information in the server status store (see column 6, line 66- column 7, line 14 the base

station server receives information form the base station and notifications from the mobile unit. Depending on the information and notifications received, the base station server assigns which one of the base stations to host the mobile unit. .. It is inherent that the server receives a registration request from the mobile unit prior to establishing communication), the server assigner operable to assign the server selected by the server selector to host the wireless communication device (see column 6, line 66-column 7, line 14 the base station server receives information form the base station and notifications from the mobile unit. Depending on the information and notifications received, the base station server assigns which one of the base stations to host the mobile unit).

Regarding claim 8. Hussain discloses a wireless network (fig.3). The wireless network comprises a plurality of servers (fig.3, 321-326), each server having a varying server status (see column 6, line 66-column 7, line 14, each base station has varying status), the server statuses of the servers collectively forming a varying system status (see column 6, line 66-column 7, line 14. The status of the base station forms a system status); and at least one interrogating state machine operable to receive a registration request from one of a plurality of wireless communication devices and (see column 6, line 66-column 7, line 14. the base station server 301 receives a request from a mobile unit), based on the registration request, to assign one of the servers to host the wireless communication device based on a current system status (see column 6, line 66-column 7, line 14. element 301 assigns one of the base stations to host the mobile unit based on the system status), the current system status based on the varying system status.

Regarding claim 10. Hussain discloses a wireless network wherein the server assigner further operable to receive the registration request from the wireless communication device (see column 6, line 66-column 7, line 14. the base station server receives notifications from the mobile unit. It is inherent that the server receives a registration request from the mobile unit prior to establishing communication).

Regarding claim 14. Hussain discloses a wireless network where the server assigner comprises a status collector operable to collect the server statuses from the servers and to store the server statuses in the server status store (see column 6, line 66- column 7, line 14 the base station server receives information form the base station and notifications from the mobile unit. Depending on the information and notifications received, the base station server assigns which one of the base stations to host the mobile unit. Figure 4, 405); and a server selector operable to access the server status store based on receiving a registration request from the wireless communication device and to select one of the servers based on the server statuses in the server status store (see column 6, line 66- column 7, line 14 the base station server receives information form the base station and notifications from the mobile unit. Depending on the information and notifications received, the base station server assigns which one of the base stations to host the mobile unit. Figure 4. 405), the server assigner operable to assign the server selected by the server selector to host the wireless communication device (see column 6, line 66- column 7, line 14 the base station server receives information form the base station and notifications from the mobile unit. Depending on

the information and notifications received, the base station server assigns which one of the base stations to host the mobile unit).

Regarding claim 15. Hussain discloses a wireless network. The method further comprises a plurality of interrogating state machines (element 301 is one out of a plurality of base station servers within a wireless network), each interrogating state machine operable to receive a registration request from one of the wireless communication devices (see column 6, line 66- column 7, line 14, the base station server receives notification and messages from the mobile units) and based on the registration request, to assign one of the servers to host the wireless communication device based on the current system status (see column 6, line 66- column 7, line 14, based on the notification and the status of the client base station, the base station server assign one of the client base stations to host the mobile unit).

Regarding claim 16. Hussain discloses a method for assigning one of a plurality of servers to host a registration for a wireless communication device (see column 6, line 66- column 7, line 14, based on the notification and the status of the client base station, the base station server assign one of the client base stations to host the mobile unit). The method comprises receiving a registration request from the wireless communication device (see column 6, line 66-column 7 line 14. The system receives a message form mobile unit to establish communication. The message is interpreted as registration request); and assigning one of the servers to host the wireless communication device based on server statuses of the servers (see column 6, line 66-column 7, line 14. The

Base station server assigns one of the base stations 321-326 to host the mobile unit. The assignment is based on the statuses of the base stations).

Claim Rejections - 35 USC § 103

3. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 4-6, 11-13, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hussain in view of Jayaraman et al (US 2003/02106694). Hereafter referred to as Jayaraman.

Regarding claims 4, 11. Hussain discloses all the limitation of the parent claim.

Hussain does not disclose that a server status store comprises a table. However, Jayaraman discloses a method where the base station server can comprise a table (see paragraph 0098). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a table within the server, as taught by

Jayaraman, into the wireless communication network of Hussain for the purpose that a table provides more flexibility to organize and retrieve information.

Regarding claims 5, 12. Hussain discloses all the limitation of the parent claim.

Hussain does not disclose that the table comprises a server column operable to identify the servers and a first server status information column operable to provide first server status information for the corresponding server identified in the server column. However, Jayaraman discloses a method of storing the status information of each server within a table (see figure 9). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the system status table, as taught by Jayaraman, into the wireless network of Hussain for the purpose of organizing the statuses retrieved from the servers.

Regarding claims 6, 13. Hussain discloses all the limitation of the parent claim.

Hussain does not disclose that the table further comprising a second server status information column operable to provide second server status information for the corresponding server identified in the server column, the first server status information comprises load information and the second server status information comprises capability information. However, Jayaraman discloses a system where the status collector comprises multiple tables for different information regarding each server in the network (figures 9, 10, 11). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the information tables, as taught by Jayaraman, into the wireless network of Hussain for the purpose of organizing the statuses retrieved from the servers.

Regarding claim 17. Hussain discloses a wireless network where the base station server stores the statuses received from the client base stations (see column 6, line 66-column 7, line 14).

Hussain does not disclose requesting a server status from each of the servers and receiving server statuses from at least a portion of the servers. However, Jayaraman discloses a method where the server requests and retrieves servers' statuses (see paragraph 0098). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the method of retrieving server statuses from the servers in communication with clients, as taught by Jayaraman, into the wireless network of Hussain for the purpose of enhancing the network and increasing network efficiency.

Regarding claim 18. Hussain discloses a wireless network that further comprises accessing the stored server statuses based on receiving the registration request (see column 6, line 66- column 7, line 14 the base station server receives information form the base station and notifications from the mobile unit. Depending on the information and notifications received, the base station server assigns which one of the base stations to host the mobile unit); selecting one of the servers based on the stored server statuses; and assigning one of the servers to host the wireless communication device comprising assigning the selected server to host the wireless communication device (see column 6, line 66- column 7, line 14 the base station server receives information form the base station and notifications from the mobile unit. Depending on the

information and notifications received, the base station server assigns which one of the base stations to host the mobile unit).

Regarding claim 19. Hussain discloses all the limitations of the parent claim.

Hussain does not disclose receiving updated server statuses from at least a portion of the servers; and storing the updated server statuses in place of the previously stored server statuses. However, Jayaraman discloses a method of retrieving different types of information from multiple servers and storing them on the regular basis in information tables (see paragraph 0098, fig 9, 10, 11). Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the method of retrieving different types of information from multiple servers and storing them on the regular basis in information tables, as taught by Jayaraman, into the wireless network of Hussain for the purpose of enhancing the network and increasing network efficiency.

Regarding claim 20. Hussain discloses a wireless network that further comprises requesting updated server statuses from at least a portion of the servers (see column 7, lines 10-14. the base station server receives the status of each client base station every time a client is establishing a communication with the wireless network).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mounir Moutaouakil whose telephone number is 571-

270-1416. The examiner can normally be reached on Monday-Thursday (4pm-4: 30pm) eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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